TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.
NRT.0118US

In Re Application Of: **Ke-Chi Jang et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/800,055	03-12-2004	Pierre Louis Desir	21906	2617	8576

Invention: **Providing a Location Service in a Wireless Communications Network Using an Indication of Whether the Location Service is an Emergency-Related Location Service or a Law Enforcement-Related Location Service**
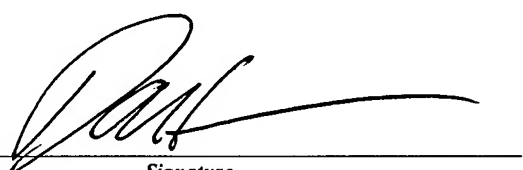
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Dated: **January 30, 2007**

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

		§	Art Unit:	2617
Applicants:	Ke-Chi Jang et al.	§		
		§		
Serial No.:	10/800,055	§		
		§	Examiner:	Pierre Louis Desir
Filed:	March 12, 2004	§		
		§		
For:	Providing a Location Service in	§	Atty. Dkt. No.:	NRT.0118US
	a Wireless Communications	§		(15982RRUS0U)
	Network Using an Indication of	§		
	Whether the Location Service is	§		
	an Emergency-Related Location	§		
	Service or a Law	§		
	Enforcement-Related Location	§		
	Service	§		

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APPEAL BRIEF PURSUANT TO 37 C.F.R § 41.37

Sir:

The second rejection of claims 1, 3-5, 7-9, 11-23, and 25-30 is hereby appealed.

I. REAL PARTY IN INTEREST

The real party in interest is Nortel Networks Limited.

II. RELATED APPEALS AND INTERFERENCES

None.

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III.   STATUS OF THE CLAIMS

Claims 1, 3-5, 7-9, 11-23, and 25-30 have been twice rejected and are the subject of this appeal. Claims 2, 6, 10, and 24 have been cancelled.

IV.   STATUS OF AMENDMENTS

No amendment after final has been submitted.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R. § 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

Independent claim 1 recites a method of performing a location service with respect to a mobile station (Fig. 1:102), comprising:

communicating (Fig. 2:206), to the mobile station, a paging message (Spec, ¶¶ [0025-0027, 0035]) containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service, the indication having a first state to indicate that the paging message is related to at least one of the emergency-related location service and the law enforcement-related location service (Spec, ¶ [0042]); and

receiving (Fig. 2:224) information regarding the location of the mobile station (Spec, ¶ [0046]).

Independent claim 8 recites a method of performing a location service with respect to a mobile station (Fig. 1:102), comprising:

communicating (Fig.2:204) a paging message (Spec, ¶¶ [0025-0027, 0035] in a mobile communications network containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service (Spec, ¶ [0040]);

communicating (Fig. 2:224) information regarding the location of the mobile station (Spec, ¶ [0046]),

wherein communicating the paging message comprises sending (Fig. 2:204) a paging request containing the indication from a mobile switching center to a base station (Spec, ¶ [0046]);

the mobile switching center receiving (Fig. 2:202) a position request containing a field indicating whether the position request is related to at least one of the emergency-related location service and the law enforcement-related location service (Spec, ¶ [0039]); and

the mobile switching center setting a state of the indication in the paging request based on the field contained in the position request (Spec, ¶ [0040])).

Independent claim 15 recites a method comprising:

receiving (Fig. 2:206) a paging message (Spec, ¶¶ [0025-0027, 0035]) by a mobile station that is not on a traffic channel and that is configured to accept an emergency-related location service or a law enforcement-related location service but not a value-added service location service, the paging message containing an indication that the paging message is related to at least one of the emergency-related location service and the law enforcement-related location service (Spec, ¶¶ [0042, 0043]); and

the mobile station responding to the paging message by sending (Fig. 2:208) a page response indicating acceptance of a location service-related service option specified in the paging message (Spec, ¶ [0043]).

Independent claim 18 recites an article comprising at least one storage medium containing instructions that when executed cause a mobile station (Fig. 1:102) in a wireless communications network to:

receive (Fig. 2:211; Fig. 3:316) messaging to cause the mobile station to move to a traffic channel in response to a callback by at least one of an emergency services entity and a law enforcement entity (Spec, ¶¶ [0029-0032, 0043, 0048]);

receive (Fig. 2:218; Fig. 3:316) a location request on the traffic channel containing an indication that the location request is related to at least one of an emergency-related location service and a law enforcement-related location service (Spec, ¶¶ [0045, 0048]); and

send (Fig. 2:224) location information of the mobile station in response to the location request (Spec, ¶¶ [0046, 0049]).

Independent claim 22 recites a system (Fig. 1:106, 108) comprising:

an interface to communicate a paging message to a mobile station (Spec, ¶ [0042]); and

a controller (Fig. 1:106) to set an indication in the paging message for indicating that the paging message is related to at least one of an emergency-related service and a law enforcement-related location service (Spec, ¶ [0042]).

Independent claim 27 recites a mobile station (Fig. 1:102) comprising:

an interface to receive a page containing an indication that the page is related to at least one of an emergency-related location service and a law enforcement-related location service (Spec, ¶ [0042]); and

a controller (Fig. 1:144) to respond to the page based on the indication (Spec, ¶ [0043]).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Claims 1, 11, 13, 15-23, And 25-30 Rejected Under 35 U.S.C. § 102 Over U.S. Patent No. 6,311,069 (Havinis '069).

B.   Claims 7 And 8 Rejected Under 35 U.S.C. § 103 Over Havinis '069 In View Of U.S. Patent No. 6,195,557 (Havinis '557).

C.   Claims 3-5 Rejected Under 35 U.S.C. § 103 Over Havinis '069 Alone.

D.   Claim 9 Rejected Under 35 U.S.C. § 103 Over Havinis '069 In View Of Havinis '557 And U.S. Patent Application Publication No. 2004/0180655 (AAPA).

E.   Claims 12 And 14 Rejected Under 35 U.S.C. § 103 Over Havinis '069 And Havinis '557 In View Of AAPA.

VII.   ARGUMENT

The claims do not stand or fall together. Instead, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is separately argued below and presented with separate headings and sub-headings as required by 37 C.F.R. § 41.37(c)(1)(vii).

A.   Claims 1, 11, 13, 15-23, And 25-28 Rejected Under 35 U.S.C. § 102 Over U.S. Patent No. 6,311,069 (Havinis '069).

1.   Claims 1 and 15.

Independent claim 1 was rejected as being anticipated by Havinis '069. Claim 1 recites a method that comprises communicating, to a mobile station, a paging message *containing an indication* of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service, where the indication has a first state to indicate that the paging message is related to at least one of the emergency-related location service and law enforcement-related location service.

The Examiner identified a positioning request 285 and a request message 275, referred to as being a "DTAP request message" in Havinis '069, as being the paging message of claim 1. Note that the paging message of claim 1 is communicated to the mobile station. However, the positioning request 285 of Havinis '069 is *not* communicated to the mobile station and therefore *cannot* be the paging message of claim 1. Note also that the DTAP request message 275 of Havinis '069 also *cannot* be the paging message of claim 1, because the DTAP request message

275 is *not* even sent to the mobile station when the location application (LA) 280 is an emergency application or a law enforcement application. The paging message of claim 1 contains an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service. Since the DTAP request message 275 is not even sent to the mobile station when the location application 280 is an emergency application or a law enforcement application, there would be no reason to include the indication recited in claim 1. *See* Havinis '069, 7:40-44.

The Examiner conceded that the request message 275 of Havinis '069 is not sent to the mobile station when the LA 280 is an emergency application or a law enforcement application. *See* 8/25/2006 Office Action at 3. However, the Examiner nevertheless argued that the mobile station "would receive a positioning request 285 not the request message 275." *Id.* (emphasis in original). The statement that the positioning request 285 is sent to the mobile station is *factually incorrect*. Fig. 5 of Havinis '069 clearly shows that the LA (location application) 280 sends the positioning request 285 to the GMLC (gateway mobile location center) 290, which in turn sends the positioning request 285 to the *MSC* (mobile switching center). However, the MSC does *not* send the positioning request 285 to the *mobile station*, regardless of whether or not the LA 280 is an emergency or a law enforcement application.

Thus, the statement by the Examiner that the positioning request 285 of Havinis '069 is sent to the mobile station when the LA 280 is an emergency or a law enforcement application is completely unsubstantiated. The Examiner has not cited to any specific teaching in Havinis '069 that would provide a teaching of the assertion made by the Examiner.

The Examiner also made the following assertion: "For the mobile station to be able to collect positioning data or for positioning data to be collected, the mobile station has to

inherently be paged." 8/25/2006 Office Action at 3. In the very next sentence, the Examiner erroneously stated that "when the location application is an emergency application or a law enforcement application, the positioning request will have an indication to indicate that the positioning request is from an emergency application or a law enforcement application so that the overridden procedure to take place ....." *Id.* at 3-4. The erroneous implication made by the Examiner is that the positioning request 285 is the page of the mobile station. As noted above, this statement is factually incorrect, since the positioning request 285 is *not* sent to the mobile station.

In fact, in column 8 of Havinis '069, reference is made to the VLR (visitor location register) 16 performing paging and authentication of the mobile station if the mobile station is in idle mode. Havinis '069, 8:8-12. There is no indication anywhere in Havinis '069 that this paging of the mobile station described in column 8 of Havinis '069 differs from any conventional paging; in other words, the paging message sent by the VLR 16 to the mobile station, as taught by Havinis '069 in column 8, would *not* include the indication recited in claim 1, since the paging message is a conventional paging message. Moreover, there is no teaching whatsoever that the paging sent by the VLR 16 would be the positioning request 285 that is sent from the GMLC to the MSC in Fig. 5 of Havinis '069. In fact, a person of ordinary skill in the art would clearly understand that the positioning request 285 that is sent to the MSC of Havinis '069 is not a paging message that is sent to the mobile station.

In view of the foregoing, it is respectfully submitted that claim 1 and its dependent claims are clearly not anticipated by Havinis '069.

Independent claim 15 and its dependent claims are similarly allowable over Havinis '069. In view of the foregoing, reversal of the rejection of the above claims is respectfully requested.

2. Claim 11.

Claim 11 depends from claim 1, and is thus allowable for at least the same reasons as claim 1. Moreover, claim 11 further recites sending a position determination data message (PDDM) containing an indication of whether the PDDM is related to at least one of an emergency-related location service and a law enforcement-related location service. In the rejection of claim 1, the Examiner made the following factually incorrect assertion: "The forwarded location determination message inherently contains the indication that identifies the Location application type ...." 8/25/2006 Office Action at 4. As support for this assertion, the Examiner cited column 7, lines 50-52, and column 9, lines 2-7, of Havinis '069. The cited column 7 passage refers to the request message 275, which the Examiner has already conceded is *not* sent when a location application is an emergency-related location service or a law enforcement-related service. Thus, since the request message 275 is not sent when the location application is an emergency-related or a law enforcement-related location service, this request message 275 does not contain an indication of whether the request message 275 is related to an emergency-related or a law enforcement-related location service.

The cited passage in column 9 refers to the SMLC (serving mobile location center) 270 calculating the location of a mobile station and transmitting this location information 298 to the MSC. However, this passage also does not disclose sending a PDDM containing an indication of whether the PDDM is related to at least one of an emergency-related and a law enforcement-related location service.

In view of the foregoing, reversal of the rejection of the above claim is respectfully requested.

3. Claim 17.

Claim 17 depends from claim 15, and is thus allowable for at least the same reasons as claim 15. Moreover, claim 17 recites that the mobile station communicates PDDMs on the traffic channel with a PDE (position determination entity), and the mobile station determines whether one or more received PDDMs are related to the emergency-related location service or law enforcement-related location service. The Examiner cited the following passages of Havinis '069 as disclosing the determining performed by the mobile station of claim 17: column 2, line 65-column 3, line 2, and column 6, lines 1-12. The passage cited in columns 2-3 refers to the fact that certain location applications can be law enforcement or emergency-related. The passage cited in column 6 refers to the mobile station 20 being able to be pre-programmed to respond immediately to a request message 275 with either an accept message or a reject message. The cited column 6 passage also notes that a user can manually reject or accept a positioning request. There is absolutely no teaching whatsoever in this cited passage of the mobile station determining whether one or more received PDDMs are related to an emergency-related or a law enforcement-related location service. Note that in the emergency or law enforcement context in Havinis '069, the mobile station is not given any option of whether or not it can be located. In the context of an emergency or law enforcement-related location service, Havinis '069 teaches that the override is performed in the network, not at the mobile station. Therefore, according to Havinis '069, there would have been no need whatsoever for the mobile station to determine whether a PDDM is related to an emergency-related or a law enforcement-related location service.

In view of the foregoing, reversal of the rejection of claim 17 is respectfully requested.

4. Claim 13.

Claim 13 depends from claim 11, and is thus allowable for at least the same reasons as claim 11. Moreover, claim 13 recites receiving a position request containing a field indicating whether the position request is related to an emergency-related service or law enforcement-related location service, and setting a state of the indication in the PDDM based on the state of the field in the position request.

Note that in the rejection of claim 11 the Examiner had cited the request message 275 of Havinis '069 as being the PDDM. According to the teachings of Havinis '069 it would be impossible for an indication in the position request 275 to be set to indicate whether the position request 275 is related to an emergency-related or a law enforcement-related location service. This is because the position request 275 is *not* even sent when the location application is an emergency or law enforcement-related service. Thus, because the position request 275 is not sent to the mobile station in this scenario, there would be no setting of an indication in the position request 275 to indicate whether the position request is related to an emergency or law enforcement-related location service.

In view of the foregoing, reversal of the final rejection of the above claim is respectfully requested.

5. Claim 16.

Claim 16 depends from claim 15, and is thus allowable for at least the same reasons as claim 15. Moreover, claim 16 recites that the mobile station determines, by examining the paging message, that the location service-related service option requested in the paging message should be accepted, based on association of the paging message with either an emergency-related location service or a law enforcement-related location service. As support for this contention,

the Examiner cited column 2, line 65-column 3, line 2, and column 6, lines 1-12. The cited

passage in columns 2-3 refers to certain specific location applications being law enforcement or

emergency related. The passage of column 6 cited by the Examiner refers to the mobile

subscriber being able to accept or reject a positioning request based on the identity of a location

application displayed in a display. However, nowhere in this passage is there any indication of

the *mobile station determining*, by *examining* the *paging* message, that the location

service-related service option should be accepted based on association of the paging message

with either an emergency-related or law enforcement-related location service.

In view of the foregoing, reversal of the rejection of the above claim is respectfully

requested.

6. Claims 18 and 19.

Independent claim 18 recites an article that comprises instructions that when executed

cause a mobile station to receive messaging to cause the mobile station to move to a traffic

channel in response to a callback by at least one of an emergency services entity and a law

enforcement entity, and to receive a location request on the traffic channel containing an

indication that the location request is related to at least one of an emergency-related location

service and a law enforcement-related location service. As disclosing the second receiving

element of claim 18, the Examiner stated that a position request for a target mobile station is

received by receiving logic within a serving *MSC*. However, claim 18 is specifically clear that it

is the *mobile station* that receives the location request. As noted above, there is absolutely no

teaching whatsoever in Havinis '069 of the mobile station receiving any request that contains an

indication that a location request is related to at least one of an emergency-related or law

enforcement-related location service. Therefore, claim 18 and its dependent claim are not anticipated by Havinis '069.

Reversal of the rejection of the above claims is respectfully requested.

7. Claim 20.

Claim 20 depends from claim 18, and is thus allowable for at least the same reasons as claim 18. Claim 20 further recites that the mobile station has been configured to accept an emergency-related or law enforcement-related location service, but not a value-added service location service. Claim 20 further recites that the mobile station determines whether to accept the location request based on the indication contained in the location request.

The Examiner cited the override feature in columns 2 and 3 of Havinis '069 as disclosing the determination performed by the mobile station in claim 20. Note that the POI (override) feature is performed in the *network*. Therefore, there would have been no reason whatsoever for the *mobile station* of Havinis '069 to perform determining whether to accept the location request based on the indication contained in the location request.

Reversal of the rejection of the above claim is respectfully requested.

8. Claim 21.

Claim 21 depends from claim 18, and is thus allowable for at least the same reasons as claim 18. Moreover, claim 21 recites that the mobile station further receives a page from a base station, where the page contains an indication that the page is associated with at least one of an emergency-related and law enforcement-related location service. Claim 21 further recites responding to the page by accepting a service option of the page based on the indication.

With respect to claim 21, the Examiner cited Fig. 7 and column 8, lines 56-58, of Havinis '069 as disclosing the page. As discussed above with respect to claim 1, the page described in column 8 is a conventional page, not a page that contains an indication that the page is associated with at least one of an emergency-related and law enforcement-related location service.

Therefore, reversal of the rejection of the above claim is respectfully requested.

9. Claims 22, 23, 25 27, 30.

Independent claim 22 recites a system that has an interface to communicate a paging message to a mobile station, and a controller to *set an indication in the paging message* for indicating that the paging message is related to at least one of an emergency-related and law enforcement-related location service. As discussed above with respect to claim 1, Havinis '069 clearly does not disclose a paging message containing an indication for indicating that the paging message is related to one of an emergency-related and law enforcement-related location service.

Therefore, claim 22 and its dependent claims are not anticipated by Havinis '069. Independent claim 27 and its dependent claims are allowable for similar reasons.

Reversal of the rejection of the above claims is respectfully requested.

10. Claim 26.

Claim 26 depends from claim 22, and is thus allowable for at least the same reasons as claim 22. Claim 26 further recites that the controller is adapted to send data over a traffic channel, where the data comprises a PDDM containing an indication of whether the PDDM is related to emergency services. The Examiner cited the request message 275 as being the PDDM. *See* 8/25/2006 Office Action at 8. As conceded by the Examiner, the request message 275 is not even sent when the location application is an emergency application. Thus, it would be

impossible for the request message 275 to contain an indication of whether the PDDM is related to emergency services.

Therefore, reversal of the rejection of the above claim is respectfully requested.

11.   Claim 28.

Claim 28 depends from claim 27, and is thus allowable for at least the same reasons as claim 27. Moreover, claim 28 recites that the mobile station is configured to accept a service option specified by a page relating to an emergency-related location service or a law enforcement-related location service, but not to accept another service option specified by a page relating to a value-added location service. Claim 28 further recites that the controller of the mobile station accepts the received page in response to the indication indicating that the page is related to the emergency-related or law enforcement-related location service. As discussed above, Havinis '069 teaches an override feature that is performed by the network. Thus, there would have been no reason whatsoever to have the mobile station of Havinis '069 make the determination of accepting the received page in response to the indication indicating that the page is related to the emergency-related location service or law enforcement-related location service.

Therefore, reversal of the rejection of the above claim is respectfully requested.

12.   Claim 29.

Claim 29 depends from claim 28, and is thus allowable for at least the same reasons. Moreover, claim 29 recites that the received page contains a first information element to indicate that the page is location-related, and a second information element to indicate that the page relates to an emergency service or a law enforcement service.

With respect to the page, the Examiner cited the DTAP request message 275 described in Havinis '069. However, note that claim 29 recites that the received page contains both the first and second information elements, where the second information element indicates that the page relates to an emergency service or a law enforcement service. As conceded by the Examiner, the DTAP request message 275 of Havinis '069 is *not* even sent when the location application is emergency-related or law enforcement-related. Therefore, there could not possibly be a second information element in the request message 275 of Havinis '069 to indicate that the page relates to an emergency or law enforcement service.

Therefore, reversal of the rejection of the above claim is respectfully requested.

B.   Claims 7 And 8 Rejected Under 35 U.S.C. § 103 Over Havinis '069 In View Of U.S. Patent No. 6,195,557 (Havinis '557).

1.   Claim 7 and 8.

Independent claim 8 was rejected as being obvious over Havinis '069 and Havinis '557. It is respectfully submitted that the hypothetical combination of Havinis '069 and Havinis '557 does not teach or suggest the claimed subject matter. The Examiner conceded Havinis '069 does not disclose communicating a paging request containing the indication from the mobile switching center to a base station. However, the Examiner relied upon Havinis '557 as disclosing the communicating of such a paging message. 8/25/2006 Office Action at 12. Specifically, the Examiner cited column 6, line 62 through column 7, line 2, of Havinis '557 as disclosing this feature of claim 8. Although the cited passage of Havinis '557 does state that the MSC/VLR 360 can forward a positioning request to a base station controller, there is no teaching in Havinis '557 of the mobile switching center *setting* a state of the indication in the paging request (sent from the mobile switching center to the base station) based on the field contained in

the position request for indicating whether the position request is related to at least one of the emergency-related location service and the law enforcement-related location service.

The Examiner further cited to column 5, lines 50-52 of Havinis '069 as teaching the mobile switching center setting an indication in such a paging request. However, this cited passage of Havinis '069 refers to the position request 285 received from the location application 280 containing an identity of the location application. However, nowhere in this cited passage is there any suggestion of a mobile switching center setting a state of the indication in the paging request sent from the mobile switching center to a base station based on a field contained in the position request, as recited in claim 8.

Since the hypothetical combination of Havinis '069 and Havinis '557 does not teach or suggest all elements of claim 8, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 8 and its dependent claims. Therefore, reversal of the rejection of the above claims is respectfully requested.

C. Claims 3-5 Rejected Under 35 U.S.C. § 103 Over Havinis '069 Alone.

1. Claim 3.

Claim 3, which depends from claim 1, was rejected as being obvious over Havinis '069 alone. The Examiner asserted that Havinis '069 discloses a general page message or a universal page message, without citing to any specific passage of Havinis '069. In fact, Havinis '069 provides absolutely no suggestion of using either a general page message or universal page message that contains the indication that has a first state to indicate that the paging message is related to at least one of the emergency-related and law enforcement-related location service. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claim 3.

Reversal of the rejection of the rejection of claim 3 over Havinis '069 is respectfully requested.

2. Claim 4.

Claim 4 depends from claim 3, and is thus allowable for at least the same reasons as claim 3. Claim 4 further recites that the paging message contains a first information element to identify service option 35 or service option 36, and a second information element to indicate whether the page is related to the emergency-related location service or law enforcement-related location service. There is absolutely no suggestion anywhere in Havinis '069 of the paging message containing the recited service option. Moreover, the Examiner has cited the DTAP position request message 275 of Havinis '069 as the one that contains the second information element to indicate whether the page is related to the emergency-related or law enforcement-related location service. As discussed above, the position request 275 is not even sent when the location application is emergency-related or law enforcement-related. Therefore, the position request 275 cannot possibly include a second information element to indicate whether the page is related to the emergency-related or law enforcement-related location service.

Therefore, reversal of the rejection of the above claim is respectfully requested.

3. Claim 5.

Claim 5 depends from claim 4, and is thus allowable for at least the same reasons as claim 4. Moreover, there is no suggestion anywhere in Havinis '069 of a base station setting a state of the second information element based on a state of a field in a paging request from a mobile switching center indicating whether the paging request is related to the emergency-related or law enforcement-related service.

Therefore, reversal of the rejection of the above claim is respectfully requested.

D.   Claim 9 Rejected Under 35 U.S.C. § 103 Over Havinis '069 In View Of Havinis '557 And U.S. Patent Application Publication No. 2004/0180655 (AAPA).

1.   Claim 9.

In view of the allowability of base claim 8 over Havinis '069 and Havinis '557, it is respectfully submitted that the obviousness rejection of claim 9 over Havinis '069 and Havinis '557, and AAPA (Applicant's admitted prior art) is defective. Therefore, reversal of the rejection of the above claim is respectfully requested.

E.   Claims 12 And 14 Rejected Under 35 U.S.C. § 103 Over Havinis '069 And Havinis '557 In View Of AAPA.

1.   Claims 12 and 14.

In view of the allowability of base claim 1 over Havinis '069, it is respectfully submitted that the obviousness rejection of claims 12 and 14 over Havinis '069, Havinis '557, and AAPA is also defective.

Reversal of the rejection of the above claims is respectfully requested.

VIII. CONCLUSION

In view of the foregoing, reversal of all final rejections and allowance of all pending claims is respectfully requested.

Respectfully submitted,

Date: 1/30/2007

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FEB 05 2007

APPENDIX OF APPEALED CLAIMS

The claims on appeal are:

1 1. A method of performing a location service with respect to a mobile station, comprising:

2 communicating, to the mobile station, a paging message containing an indication of

3 whether the paging message is related to at least one of an emergency-related location service

4 and a law enforcement-related location service, the indication having a first state to indicate that

5 the paging message is related to at least one of the emergency-related location service and the

6 law enforcement-related location service; and

7 receiving information regarding the location of the mobile station.

1 3. The method of claim 1, wherein communicating the paging message containing the

2 indication comprises sending one of a general page message (GPM) containing the indication

3 and a universal page message (UPM) containing the indication.

1 4. The method of claim 3, wherein communicating the paging message comprises sending a

2 page containing a first information element to identify service option 35 or service option 36, and

3 a second information element to indicate whether the page is related to the emergency-related

4 location service or law enforcement-relate location service.

1 5. The method of claim 4, further comprising a base station setting a state of the second

2 information element based on a state of a field in a paging request from a mobile switching

3 center indicating whether the paging request is related to the emergency-related location service

4 or the law enforcement-related service.

1 7. The method of claim 8, wherein sending the paging request comprises sending an IS-

2 2001 paging request containing the indication.

1 8.   A method of performing a location service with respect to a mobile station, comprising:

2   communicating a paging message in a mobile communications network containing an

3 indication of whether the paging message is related to at least one of an emergency-related

4 location service and a law enforcement-related location service;

5   communicating information regarding the location of the mobile station,

6   wherein communicating the paging message comprises sending a paging request

7 containing the indication from a mobile switching center to a base station;

8   the mobile switching center receiving a position request containing a field indicating

9 whether the position request is related to at least one of the emergency-related location service

10 and the law enforcement-related location service; and

11   the mobile switching center setting a state of the indication in the paging request based on

12 the field contained in the position request.

1 9.   The method of claim 8, wherein receiving the position request comprises receiving an

2 InterSystemPositionRequest INVOKE (ISPOSREQ) message containing a CTYP field, the

3 CTYP field indicating whether the position request is related to at least one of the emergency-

4 related location service and the law enforcement-related location service.

1 11.   ⁚ The method of claim 1, further comprising sending a position determination data message

2 (PDDM) containing an indication of whether the PDDM is related to at least one of an

3 emergency-related location service and a law enforcement-related location service.

1 12.   The method of claim 11, wherein sending the PDDM message comprises sending an

2 TIA/EIA/IS-801 PDDM message.

1 13.   The method of claim 11, further comprising:

2   receiving a position request containing a field indicating whether the position request is

3 related to at least one of the emergency-related location service and the law enforcement-related

4 location service; and

5   setting a state of the indication in the PDDM based on a state of the field in the position

6 request.

1   14.   The method of claim 13, wherein receiving the position request containing the field

2   comprises receiving a GeoPositionRequest INVOKE (GPOSREQ) message containing a CTYP

3   field.

1   15.   A method comprising:

2   receiving a paging message by a mobile station that is not on a traffic channel and that is

3   configured to accept an emergency-related location service or a law enforcement-related location

4   service but not a value-added service location service, the paging message containing an

5   indication that the paging message is related to at least one of the emergency-related location

6   service and the law enforcement-related location service; and

7   the mobile station responding to the paging message by sending a page response

8   indicating acceptance of a location service-related service option specified in the paging

9   message.

1   16.   The method of claim 15, further comprising the mobile station determining, by

2   examining the paging message, that the location service-related service option requested in the

3   paging message should be accepted, based on association of the paging message with either an

4   emergency-related location service or a law enforcement-related location service.

1   17.   The method of claim 15, further comprising:

2   the mobile station communicating position determination data messages (PDDMs) on the

3   traffic channel with a position determination entity (PDE);

4   the mobile station determining whether one or more received PDDMs are related to the

5   emergency-related location service or law enforcement-related location service; and

6   in response to determining that the one or more received PDDMs are related to the

7   emergency-related location service or law enforcement-related location service, the mobile

8   station accepting request elements in the one or more received PDDMs.

1   18.   An article comprising at least one storage medium containing instructions that when

2   executed cause a mobile station in a wireless communications network to:

3   receive messaging to cause the mobile station to move to a traffic channel in response to

4   a callback by at least one of an emergency services entity and a law enforcement entity;

5   receive a location request on the traffic channel containing an indication that the location

6   request is related to at least one of an emergency-related location service and a law enforcement-

7   related location service; and

8   send location information of the mobile station in response to the location request.

1   19.   The article of claim 18, wherein receiving the location request comprises receiving a

2   position determination data message (PDDM) containing the indication.

1   20.   The article of claim 18, wherein the mobile station has been configured to accept an

2   emergency-related location service or a law enforcement-related location service but not a value-

3   added service location service,

4   the instructions when executed causing the mobile station to determine whether to accept

5   the location request based on the indication contained in the location request,

6   wherein sending the location information is performed in response to determining that the

7   location request is to be accepted.

1   21.   The article of claim 18, wherein the instructions when executed cause the mobile station

2   to further:

3   receive a page from a base station, the page containing an indication that the page is

4   associated with at least one of an emergency-related location service and a law enforcement-

5   related location service; and

6   respond to the page by accepting a service option of the page based on the indication.

1   22.   A system comprising:

2   an interface to communicate a paging message to a mobile station; and

3   a controller to set an indication in the paging message for indicating that the paging

4   message is related to at least one of an emergency-related service and a law enforcement-related

5   location service.

1   23.   The system of claim 22, wherein the controller is adapted to send the paging message to

2   the mobile station in response to an idle-mode query initiated by an emergency services entity to

3   the mobile station.

1   25.   The system of claim 22, comprising a base station including the interface and controller,

2   wherein the paging message comprises a page from the base station to the mobile station.

1   26.   The system of claim 22, wherein the controller is adapted to send data over a traffic

2   channel, the data comprising a position determination data message (PDDM) containing an

3   indication of whether the PDDM is related to emergency services.

1   27.   A mobile station comprising:

2   an interface to receive a page containing an indication that the page is related to at least

3   one of an emergency-related location service and a law enforcement-related location service; and

4   a controller to respond to the page based on the indication.

1   28.   The mobile station of claim 27, wherein the mobile station is configured to accept a

2   service option specified by a page relating to an emergency-related location service or a law

3   enforcement-related location service, but not to accept another service option specified by a page

4   relating to a value-added location service,

5   the controller to accept the received page in response to the indication indicating that the

6   page is related to the emergency-related location service or law enforcement-related location

7   service.

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1   29.   The mobile station of claim 28, wherein the received page contains a first information

2   element to indicate that the page is location-related, and a second information element to indicate

3   that the page relates to an emergency service or a law enforcement service.

1   30.   The mobile station of claim 27, comprising one of a mobile phone, a portable computer

2   with a wireless modem, a wireless-enabled personal digital assistant (PDAs), and a global

3   positioning system (GPS) device.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.